

City Council Introduction: **Monday**, May 12, 2003  
Public Hearing: **Monday**, May 19, 2003, at **1:30 p.m.**

Bill No. 03-79

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3404**, from R-3 Residential District to H-3 Highway Commercial District, requested by Peter Katt on behalf of SGS, L.L.C., d/b/a Auto Plex of Lincoln, on property generally located at No. 27<sup>th</sup> Street and Fletcher Avenue.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 04/30/03  
Administrative Action: 04/30/03

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes').

### **FINDINGS OF FACT:**

1. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3, concluding that the proposed change of zone is in conformance with the Comprehensive Plan.
2. On April 30, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On April 30, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** May 5, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 5, 2003

**REFERENCE NUMBER:** FS\CC\2003\CZ.3404

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.:** Change of Zone #3404

**DATE:** April 16, 2003

**SCHEDULED PLANNING COMMISSION MEETING:**

**DATE:** April 30, 2003

**PROPOSAL:** Change the zone from R-3, Residential to H-3, Highway Commercial.

**LAND AREA:** 7.4 acres, more or less.

**CONCLUSION:** In conformance with the Comprehensive Plan.

**RECOMMENDATION:**

Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 14 and remaining portion of Lot 12, Irregular Tracts, located in SW 1/4 of Section 31, T11N, R7E.

**LOCATION:** Generally located at N. 27<sup>th</sup> Street and Fletcher Avenue.

**EXISTING ZONING:** R-3, Residential

**EXISTING LAND USE:** Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Commercial, undeveloped	H-3, Highway Commercial
South:	Commercial	H-3, B-2, Planned Neighborhood Business
East:	Residential, multifamily	R-3, R-5, Residential
West:	Commercial, undeveloped	H-3

**COMPREHENSIVE PLAN SPECIFICATIONS:** Identified as commercial in the Land Use Plan (F-25).

"Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan" (F-22).

"Strip commercial development is discouraged. Commerce centers should not develop in a linear strip along a roadway nor be completely auto oriented" (F-41).

**HISTORY:** Change of Zone #3118 from R-3, Residential to H-3, Highway Commercial was approved by the City Council on **April 20, 1998** immediately to the south of this area.

Special Permit #1557 for CUP Northridge Heights for 1,601 dwelling units, Change of Zone #2894, and Preliminary Plat #95005 were approved by the City Council on **February 20, 1996** to the south and east of this area.

Zoned AA, Rural and Public Use until it was updated to R-3, Residential during the **1979** zoning update.

**TRAFFIC ANALYSIS:** North 27<sup>th</sup> Street is identified as an Urban Principal Arterial and Fletcher Avenue is identified as an Urban Minor Arterial (F-104).

**AESTHETIC CONSIDERATIONS:** By converting this from residential to commercial will create a complete strip of commercial along N. 27<sup>th</sup> Street, however, the Land Use Plan identifies this area to be commercial.

**ALTERNATIVE USES:** Remain residential either utilizing the existing zoning or requesting a special permit for a Community Unit Plan.

**ANALYSIS:**

1. This is a request to change the zone from R-3, Residential to H-3, Highway Commercial.
2. The Public Works & Utilities Department indicated that the development of the property will require N. 28<sup>th</sup> Street to be extended across the east side of the property line from the private road in Saline Plaza 1<sup>st</sup> Addition to N 28<sup>th</sup> Street in Northridge Heights 4<sup>th</sup> Addition. Public Works & Utilities Department recommends it be built and dedicated as a private roadway with street lighting. Public Works & Utilities Department indicated that sewer and water must be built in N. 28<sup>th</sup> Street to serve this property.
3. The Land Use Plan indicates this area as commercial. H-3, Highway Commercial zoning exists to the north, south and west of this property.
4. The Comprehensive Plan indicates that strip commercial is discouraged, however, a planned residential development is limited due to the size of the existing parcel. Approximately 46 dwelling units could be developed on this parcel if a special permit for a community unit plan is obtained. The potential residential development would be bordered on both sides by commercial uses, which is probably undesirable. The most appropriate use for this parcel appears to be commercial.

Prepared by:

Becky Horner  
Planner

**Applicant:** SGS, LLC d/b/a Auto Plex of Lincoln  
2745 O Street  
Lincoln, NE 68501  
(402)476-1166

**Owner:** Rodger Berner, Kaye Finn and Maye McCarron  
1800 Surfside Drive  
Lincoln, NE 68532

**Contact:** Peter Katt  
P.O. Box 95109  
Lincoln, NE 68509  
(402) 476-7612

# CHANGE OF ZONE NO. 3404

## **CONSENT AGENDA**

### **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

April 30, 2003

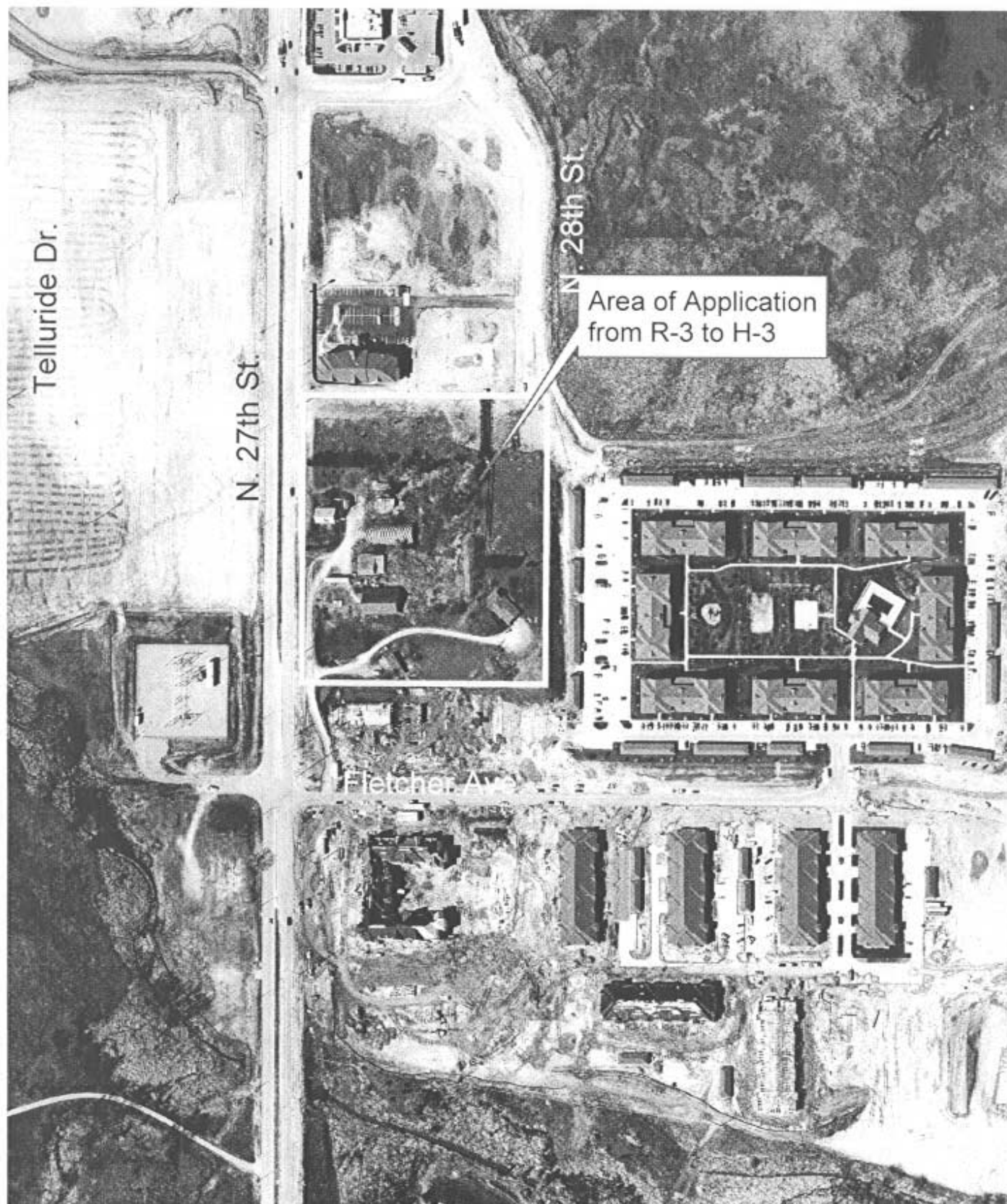
Members present: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3403; CHANGE OF ZONE NO. 3404; CHANGE OF ZONE NO. 3405; MISCELLANEOUS NO. 03002; MISCELLANEOUS NO. 03003; SPECIAL PERMIT NO. 846B; SPECIAL PERMIT NO. 2007; SPECIAL PERMIT NO. 2008; SPECIAL PERMIT NO. 2009; SPECIAL PERMIT NO. 2011; WAIVER NO. 03006; FINAL PLAT NO. 02012, MECHLING'S WILDERNESS PARK ESTATES; FINAL PLAT NO. 02045, HARTLAND HOMES SOUTHWEST 1<sup>ST</sup> ADDITION; and FINAL PLAT NO. 02049, VINTAGE HEIGHTS 14<sup>TH</sup> ADDITION.**

**Item No. 1.3a, Change of Zone No. 3405; Item No. 1.3b, Miscellaneous No. 03002; Item No. 1.3c, Miscellaneous No. 03003; and Item No. 1.7, Special Permit No. 2009,** were removed from the Consent Agenda and scheduled for separate public hearing.

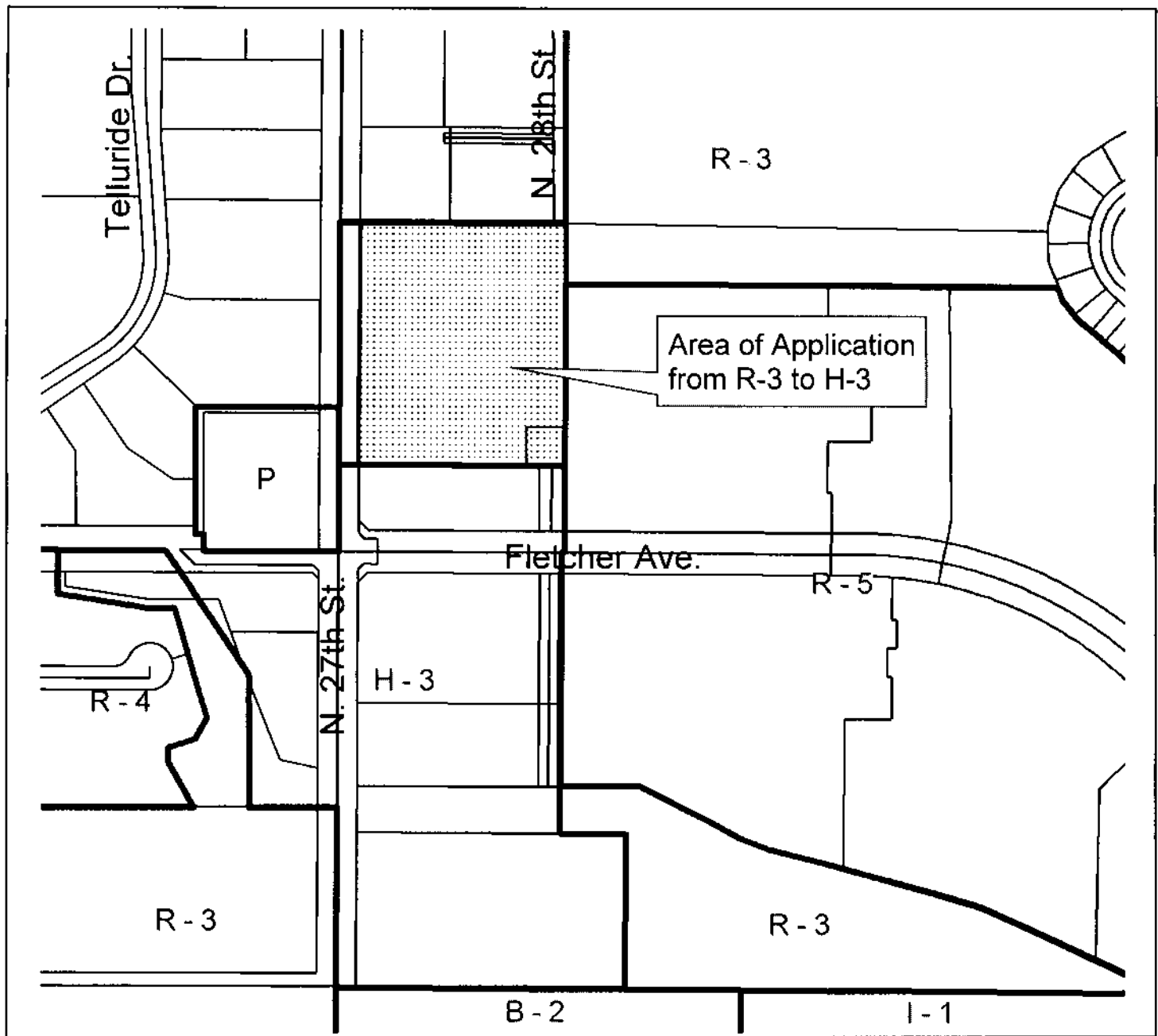
Steward moved to approve the remaining Consent Agenda, seconded by Newman and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 846B, the Mechling's Wilderness Park Estates Final Plat No. 02012, the Hartland Homes Southwest 1<sup>st</sup> Addition Final Plat No. 02045 and the Vintage Heights 14<sup>th</sup> Addition Final Plat No. 02049, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



# **Change of Zone #3404** **N. 27th & Fletcher Ave.**



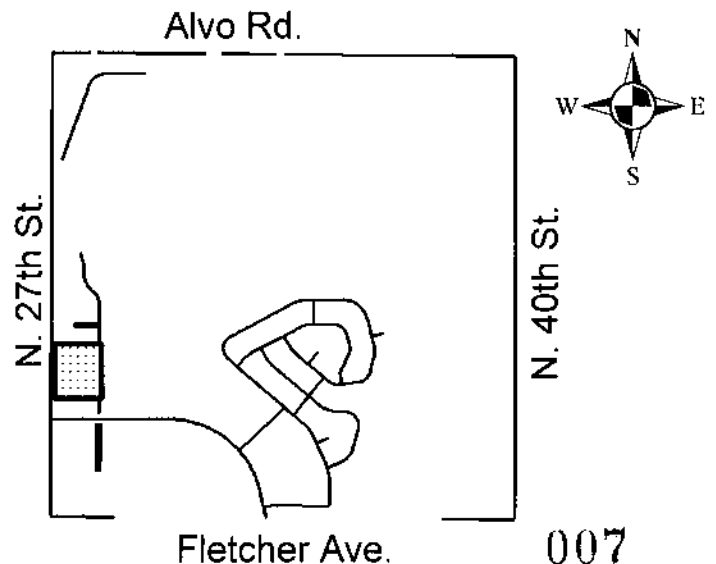
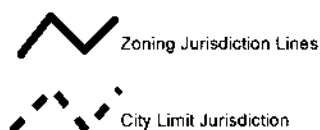


## Change of Zone #3404 N. 27th & Fletcher Ave.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 31 T11N R7E



007

LOT 2  
25.55 ±  
R-3

CHANGE OF ZONE  
R-3 to H-3

[illegible]

-3

# NORTHRIDGE

OUTLOT

HEIGHTS  
1  
ORIGINAL  
ADD

**NORT**  
90° 112.68  
90°  
173.98  
110.44 90°  
90°  
**AC**

**NORTHRIDGE**  
6210  
**HEIGHTS**<sup>1</sup>

# NORTHRIDGE HEIGHTS

3RD ADDITION  
2

2ND ADDITION  
008  
OUTLOT

(700.00)  
Remaining Portion of  
LOT 12  
6.43 ± Ac.

(400.00)  
399.76

400.56	
(400.00)	
<u>400.66</u>	

008

OUTLOT

171  
R. R.



**PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT**  
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April 3, 2003

Marvin Krout  
Director of Planning  
City of Lincoln  
555 S. 10th Street  
Lincoln, NE 68508

Re: 6340 N. 27th Street  
Change of Zone to H-3

Dear Mr. Krout:

We are submitting today a request to change the zoning on the above-described property to H-3 from R-3. It is the intent of the applicant to connect the existing N. 28th Street public road (stubbed in from Fletcher Avenue) to the N. 28th Street private roadway. This connection would be constructed upon the property as a private roadway with a dedicated public access easement. This new road would provide the required public access to the parcel.

Please let us know if you have any questions or need any further information.

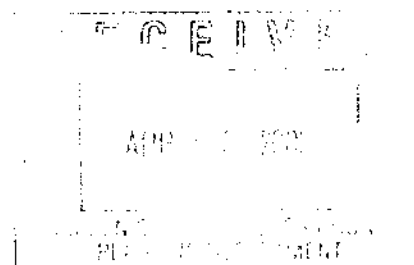
Sincerely,



Peter W. Katt  
For the Firm

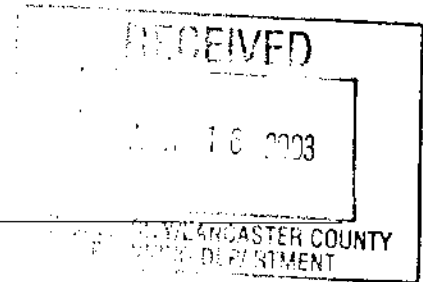
PWK:la  
Enclosure  
cc: Dennis Bartels

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009

# M e m o r a n d u m



**To:** Becky Horner, Planning  
**From:** Dennis Bartels, Public Works and Utilities  
**Subject:** R3 to H3 at 28th and Fletcher  
**Date:** April 14, 2003  
**cc:** Randy Hoskins

Engineering Services has reviewed the request for a change of zone of R3 to H3 for property north of Fletcher east of 27th Street and has the following comments:

1. The development of the property in this zone request will require 28th Street to be extended across the east side of the property from the private road in Saline Plaza 1st Addition to the public street North 28th Street in Northridge Heights 4th Addition. We recommend it be built and dedicated as a private roadway.
2. The development will require sewer and water to be built to serve this property. These mains should be built in 28th Street.
3. Private roadways should also be provided with street lighting.